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Remarks

Reconsideration of the application is requested. The Examiner should return an initialed copy of the PTO Form 1449 submitted previously. Support for the new claims can be found in Figures 2 and 3 and on pages 5 and 6 of the specification.

Since all previously pending claims have been cancelled and new claims 26 and 27 presented herein, attention is drawn to why the current claims are patentable over Yee et al., USPN 5,781,723, which had been used to reject the prior claims. Yee et al., col. 6, lines 45-50 teaches that the PC uses the complement of the device tag to grant access, not the device tag itself. In contrast, in the present claims the security code that is on the wireless module has to match the code that is input to the peripheral device by a user for the peripheral device to be able to access the data on the wireless module, thereby solving the problem to which the present invention is addressed, indeed an entirely different problem than the one faced by Yee et al., which seeks to keep the security code of the PDA secret from all other computers. For this reason, the claims are patentable.

For some reason the Examiner persists in rejecting claims reciting "user computer device" as lacking adequate written description (evidently: the rejection is couched in terms of Applicant not possessing what is claimed), even though the Examiner admits that support exists for PCs and laptops, on the grounds that "user computer device can be broadly interpreted as a calculator, etc." A telephone conversation with the SPE reveals why. The SPE also does not understand the legal requirements of the written description requirement.

It is sufficient, in predictable arts (as opposed to biotechnology), to set forth one species of a genus, and then claim the genus, even though the genus indeed encompasses more than the disclosed species, unless

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one makes clear that only a single species is "an essential element" of the invention as was done in Gentry Gallery, cited in MPEP §2163, which was not done in the present application. MPEP §2163 is rather a long-winded exposition of current written description law, owing in part to the fact that written description has become something of an opaque subject in biotechnology, to which the present application thankfully is not drawn. To save the Examiner time, his attention is directed to MPEP §2163(II)(A)(3)(a)(ii), on pages 2100-174 and 175 in the latest (May 2004) edition, which states that what constitutes a representative number of species to support a claimed genus "is an inverse function of the skill and knowledge in the art", noting that the issue arises most often in biotechnology. Here, if, as admitted, the specification supports user devices that can be PCs and laptops, is it the Examiner's position that the skilled computer programmer or engineer honestly could not "predict the operability in the invention of any species other than the one disclosed" (citing In re Curtis, id.), including the calculator hypothesized in the rejection?

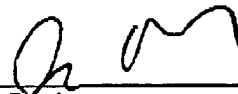
Applicant notes that the specification as originally filed, page 4, line 25 discloses that the peripheral device 150 can be, among other things, a PC or laptop. This original disclosure is rather relevant because never in the course of human history, to the best of Appellant's knowledge, has a PC or laptop been provided that did not more or less require a display and an input device. It is past time to lay to rest the written description rejections in this case, which plainly would have been reversed by the Board had the SPE not allowed discretion to trump valor by reopening prosecution.

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